

REMARKS

Claims 1 and 50-68 are pending in this application. By this Amendment, Applicant has amended Claims 1, 50, 64, 65, and 68. Applicant has amended each of independent Claims 1, 50, and 68 so as to more clearly distinguish the present invention, as defined by each of independent Claims 1, 50, and 68, over the prior art. Applicant respectfully submits that the amendments to each of independent Claims 1, 50, and 68 do not contain new matter. Applicant has amended Claim 64 so as to delete "the" before "message", as shown, in order to correct an inadvertent mistake. Applicant has amended Claim 65 so as to insert -- device -- after "second communication", as shown, in order to correct an inadvertent mistake. Applicant respectfully submits that the amendments to Claims 64 and 65 do not contain new matter. Applicant respectfully submits that the present invention, as defined by Claims 1 and 50-68, is patentable over the prior art.

Applicant has also deleted the Abstract of the Disclosure and has substituted therefor the new Abstract of the Disclosure which is attached hereto on a separate sheet. Applicant respectfully submits that the new Abstract of the Disclosure does not contain new matter.

Based on the foregoing amendments and the following Remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

I. THE 35 U.S.C. §102 AND §103 REJECTIONS:

The Examiner asserts that Claims 50-63 and 65-66 are rejected under 35 U.S.C. §102(e) as being anticipated by Knaus, et al., US 2002/0004727 A1 (Knaus). The Examiner also asserts that Claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ballantyne, et al., U.S. Patent No. 5,867,821 (Ballantyne) in view of Knaus, and further in view of Elkind, US 2003/0158754 A1 (Elkind). The Examiner also asserts that Claim 64 is rejected under 35 U.S.C. §103(a) as being unpatentable over Knaus in view of Mayaud, U.S. Patent No. 5,845,255 (Mayaud). The Examiner further asserts that Claim 67 is rejected under 35 U.S.C. §103(a) as being unpatentable over Knaus in view of Ballantyne. Lastly, the Examiner asserts that Claim 68 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ballantyne in view of Knaus.

As noted above, Applicant has amended each of independent Claims 1, 50, and 68 so as to more clearly

distinguish the present invention, as defined by each of independent Claims 1, 50, and 68, over the prior art. Applicant respectfully submits that the amendments to each of independent Claims 1, 50, and 68 do not contain new matter. Applicant has also amended Claims 64 and 65, as noted above, in order to correct inadvertent mistakes. Applicant respectfully submits that the amendments to Claims 64 and 65 do not contain new matter.

Applicant respectfully submits that the present invention, as defined by Claims 1 and 50-68, is patentable over the prior art.

IA. THE PRESENT INVENTION, AS DEFINED BY INDEPENDENT CLAIM 1, IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by independent Claim 1, is patentable over the prior art.

Applicant submits that the present invention, as defined by independent Claim 1, is patentable over Knaus, Ballantyne, Elkind, Mayaud, and any combination of same. Applicant respectfully submits that Knaus, Ballantyne, Elkind,

Mayaud, and any combination of same, do not disclose, teach, or suggest, an apparatus, comprising: a processor, wherein the processor processes a request to at least one of access, obtain, change, alter, and modify, information contained in a patient's healthcare record or a patient's healthcare file of a patient, wherein the processor determines whether an individual or entity is authorized to at least one of access, obtain, change, alter, and modify, the information contained in a patient's healthcare record or a patient's healthcare file, and further wherein the processor generates a notification report containing at least one of information regarding the individual or entity making the request, identification information regarding the individual or entity, and a time and date of the request, and further wherein the notification report contains information regarding an actual change, alteration, or modification, sought to be made or made to the information contained in a patient's healthcare record or a patient's healthcare file; and a transmitter, wherein the transmitter transmits the notification report to a patient communication device of the patient via, on, or over, a communication network, and further wherein the notification report is transmitted to the patient communication device at least one of during, concurrently with, at a same time as, and prior to a completion of, an at least one of an accessing, an

obtaining, a changing, an altering, and a modifying, of the information contained in a patient's healthcare record or a patient's healthcare file by the individual or entity, or at least one of during, concurrently with, at a same time as, and prior to a completion of, a processing of the request, all of which features are specifically recited features of independent Claim 1.

Applicant submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited notification report of independent Claim 1.

Applicant submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited notification report of independent Claim 1 which contains information regarding an actual change, alteration, or modification, sought to be made or made to the information contained in a patient's healthcare record or a patient's healthcare file. Applicant respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, information regarding an actual change, alteration, or modification, sought to be made or made to the information contained in a

patient's healthcare record or a patient's healthcare file, which is contained in the recited notification report of independent Claim 1, along with the at least one of information regarding the individual or entity making the recited request, identification information regarding the individual or entity, and a time and date of the recited request.

In view of the foregoing, Applicant respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited notification report which contains information regarding an actual change, alteration, or modification, sought to be made or made to the information contained in a patient's healthcare record or a patient's healthcare file and, therefore, Applicant respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited notification report of independent Claim 1.

Applicant submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited notification report of independent Claim 1, and, therefore, Applicant respectfully submits that

Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited processor which generates the recited notification report.

Applicant further submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited notification report of independent Claim 1, and, therefore, Applicant further respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited transmitter which transmits the recited notification report to the recited patient communication device of the patient.

Applicant further submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited transmitter which transmits the recited notification report to the recited patient communication device of the patient via, on, or over, a communication network, at least one of during, concurrently with, at a same time as, and prior to a completion of, the recited at least one of an accessing, an obtaining, a changing, an altering, and a modifying, of the recited information contained in a patient's healthcare record or a

patient's healthcare file by the individual or entity, or at least one of during, concurrently with, at a same time as, and prior to a completion of, a processing of the recited request.

In view of the foregoing, Applicant respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, many of the specifically recited features of independent Claim 1. In view of the above, Applicant respectfully submits that the present invention, as defined by independent Claim 1, is patentable over Knaus, Ballantyne, Elkind, Mayaud, and any combination of same.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 1, is patentable over the prior art.

Allowance of pending Claim 1 is, therefore, respectfully requested.

**IB. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 50-67, IS
PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claims 50-67, is patentable over the prior art. Applicant submits that the present invention, as defined by independent Claim 50, is patentable over the prior art.

Applicant submits that the present invention, as defined by independent Claim 50, is patentable over Knaus, Ballantyne, Elkind, Mayaud, and any combination of same. Applicant respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, a computer-implemented method, comprising: processing a request by a person or an entity to at least one of access, obtain, change, alter, and modify, information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file of the individual or patient, with a processor; generating a message containing at least one of information regarding the person or the entity making the request and identification information regarding the person or the entity making the request, and further wherein the message contains information regarding an actual

change, alteration, or modification, sought to be made or made to the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file; and transmitting the message to a communication device of the individual or patient via, on, or over, a communication network, wherein the message is transmitted to the communication device of the individual or patient at least one of during, concurrently with, at a same time as, and prior to a completion of, an at least one of an accessing, an obtaining, a changing, an altering, and a modifying, of the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file by the person or the entity, or at least one of during, concurrently with, at a same time as, and prior to a completion of, a processing of the request to at least one of access, obtain, change, alter, and modify, the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, all of which features are specifically recited features of independent Claim 50.

Applicant respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose,

teach, or suggest, the recited message of independent Claim 50.

Applicant respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited message of independent Claim 50 which contains information regarding an actual change, alteration, or modification, sought to be made or made to the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file. Applicant respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, information regarding an actual change, alteration, or modification, sought to be made or made to the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, which is contained in the recited message of independent Claim 50, along with the recited at least one of information regarding the person or the entity making the recited request and identification information regarding the person or the entity making the recited request.

In view of the foregoing, Applicant respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any

combination of same, do not disclose, teach, or suggest, the recited message which contains information regarding an actual change, alteration, or modification, sought to be made or made to the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file and, therefore, Applicant respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited message of independent Claim 50.

Applicant submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited message of independent Claim 50, and, therefore, Applicant respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, generating the recited message containing the recited at least one of information regarding the person or the entity making the request and identification information regarding the person or the entity making the request, and containing the recited information regarding the recited actual change, alteration, or modification, sought to be made or made to the recited information contained in an individual's or patient's

healthcare record or an individual's or patient's healthcare file.

Applicant further submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited message of independent Claim 50, and, therefore, Applicant respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, transmitting the recited message to the recited communication device of the individual or patient via, on, or over, the recited communication network, wherein the recited message is transmitted to the recited communication device of the individual or patient at least one of during, concurrently with, at a same time as, and prior to a completion of, the recited at least one of an accessing, an obtaining, a changing, an altering, and a modifying, of the recited information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file by the person or the entity, or at least one of during, concurrently with, at a same time as, and prior to a completion of, the recited processing of the recited request to at least one of access, obtain, change, alter, and modify, the information contained in an

individual's or patient's healthcare record or an individual's or patient's healthcare file.

In view of the foregoing, Applicant respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, many of the specifically recited features of independent Claim 50. In view of the above, Applicant respectfully submits that the present invention, as defined by independent Claim 50, is patentable over Knaus, Ballantyne, Elkind, Mayaud, and any combination of same.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 50, is patentable over the prior art. Applicant further submits that Claims 51-67, which Claims depend either directly or indirectly from independent Claim 50, are also patentable as said Claims 51-67 depend from allowable subject matter.

Allowance of pending Claims 50-67 is, therefore, respectfully requested.

IC. THE PRESENT INVENTION, AS DEFINED BY CLAIM 68, IS
PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by independent Claim 68, is patentable over the prior art.

Applicant submits that the present invention, as defined by independent Claim 68, is patentable over Knaus, Ballantyne, Elkind, Mayaud, and any combination of same. Applicant respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, a computer-implemented method, comprising: receiving information regarding a restriction or limitation regarding an ability of a person or an entity to at least one of access, obtain, change, alter, and modify, information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, wherein the restriction or limitation contains information regarding at least one of a healthcare provider, a healthcare payer, a healthcare insurance provider, and an authorized entity, and information regarding a designated purpose for allowing each of the at least one of a healthcare provider, a healthcare payer, a healthcare insurance provider, and an authorized

entity, to at least one of access, obtain, change, alter, and modify, the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, wherein the designated purpose is at least one of to perform a diagnosis, to perform a diagnosis for a certain ailment, illness, or symptom, to provide a second opinion, to verify or disprove a condition or a pre-existing condition, to submit an insurance claim, and to process an insurance claim; storing the information regarding a restriction or limitation regarding an ability of a person or an entity to at least one of access, obtain, change, alter, and modify, the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file; processing a request by a person or an entity to at least one of access, obtain, change, alter, and modify, the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, with a processor; determining, using the information regarding the restriction or limitation, whether the person or the entity is allowed or authorized to at least one of access, obtain, change, alter, and modify, the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file; generating a message containing at least one of information regarding the

person or the entity making the request and identification information regarding the person or the entity making the request, and further wherein the message contains information regarding an actual change, alteration, or modification, made to the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file; and transmitting the message to a communication device of the individual or patient via, on, or over, a communication network, wherein the message is transmitted to the communication device of the individual or patient at least one of during, concurrently with, at a same time as, and prior to a completion of, an at least one of an accessing, an obtaining, a changing, an altering, and a modifying, of the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file by the person or the entity, or at least one of during, concurrently with, at a same time as, and prior to a completion of, a processing of the request to at least one of access, obtain, change, alter, and modify, the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, all of which features are specifically recited features of independent Claim 68.

Applicant submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited message of independent Claim 68.

Applicant respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited message of independent Claim 68 which contains information regarding an actual change, alteration, or modification, made to the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file. Applicant respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, information regarding an actual change, alteration, or modification, made to the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file, which is contained in the recited message of independent Claim 68, along with the recited at least one of information regarding the person or the entity making the request and identification information regarding the person or the entity making the request.

In view of the foregoing, Applicant respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any

combination of same, do not disclose, teach, or suggest, the recited message which contains information regarding an actual change, alteration, or modification, made to the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file and, therefore, Applicant respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited message of independent Claim 68.

Applicant submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited message of independent Claim 68, and, therefore, Applicant respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, generating the recited message containing the recited at least one of information regarding the person or the entity making the recited request and identification information regarding the person or the entity making the recited request, and containing the recited information regarding the recited actual change, alteration, or modification, made to the information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file.

Applicant further submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, the recited message of independent Claim 68, and, therefore, Applicant respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, transmitting the recited message to the recited communication device of the individual or patient via, on, or over, the recited communication network, wherein the recited message is transmitted to the recited communication device of the individual or patient at least one of during, concurrently with, at a same time as, and prior to a completion of, the recited at least one of an accessing, an obtaining, a changing, an altering, and a modifying, of the recited information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file by the person or the entity, or at least one of during, concurrently with, at a same time as, and prior to a completion of, the recited processing of the recited request to at least one of access, obtain, change, alter, and modify, the recited information contained in an individual's or patient's healthcare record or an individual's or patient's healthcare file.

In view of the foregoing, Applicant respectfully submits that Knaus, Ballantyne, Elkind, Mayaud, and any combination of same, do not disclose, teach, or suggest, many of the specifically recited features of independent Claim 68. In view of the above, Applicant respectfully submits that the present invention, as defined by independent Claim 68, is patentable over Knaus, Ballantyne, Elkind, Mayaud, and any combination of same.

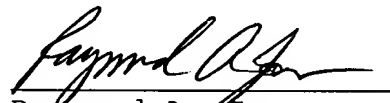
In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 68, is patentable over the prior art.

Allowance of pending Claim 68 is, therefore, respectfully requested.

II. CONCLUSION:

In view of the foregoing, the application is deemed to be in condition for allowance and action to that end is respectfully requested. Allowance of pending Claims 1 and 50-68 is, therefore, respectfully requested.

Respectfully Submitted,


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Encls.: - Abstract of the Disclosure
- Return Receipt Postcard

May 12, 2008

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